

REMARKS

A. Status of Claims and Specification

Claims 1-17 were pending. Claim 17 has been amended. No new matter has been added. Claims 1-17 remain pending. The Specification has been amended to note the issuance of the parent case and to correct a typographical error.

B. The Objection to Claim 17 Is Overcome

Claim 17 was objected-to for a typographical error, which has been corrected. Applicants respectfully request removal of this objection.

C. The Obviousness-Type Double Patenting Rejection over U.S. Patent No. 6,310,349 Is Overcome

Claims 1, 5-7, 8, 12, 14, 15-17 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-12 of U.S. Patent No. 6,310,349. Applicants are filing a Terminal Disclaimer to overcome this rejection. As the Office and public should be aware, the filing of a terminal disclaimer does not create any estoppel or presumption regarding the merits of the rejection. *Quad Environmental Tech. Corp. v. Union Sanitary Dist.*, 946 F.2d 870 (Fed. Cir. 1991).


D. The Claim Objections Are Rendered Moot

Claims 2-4, 9-11, 13 are objected-to as being dependent upon a rejected base claim. The Terminal Disclaimer overcomes the non-statutory double patenting rejection; therefore, claims 2-4, 9-11, 13 no longer depend on a rejected base claim.

E. Conclusion

Applicants respectfully assert that the application is in condition for allowance. If there are any questions about this response or this file, please contact the undersigned attorney at 512-536-3018 or by e-mail at mbarrett@fulbright.com.

Respectfully submitted,



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Date: September 3, 2004